



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: October 6, 2015

Subject: Roles of the Village Officials

Prepared By: Commissioner Roxanna Ross

Sponsored By: Commission

Background

The Village Charter provides the below structure and limitations for municipal officials.

Section 2.01. Village Commission.

There shall be a Village Commission (the "Commission") vested with all legislative powers of the Village, consisting of five members (hereinafter referred to as "Commissioners"). The Commission shall elect one of its members to the position of Mayor at the first meeting of each newly elected Commission.

Section 2.02. Mayor and Vice Mayor.

(A) Mayor. The Mayor shall preside at meetings of the Commission and be a voting member of the Commission. The Mayor shall be recognized as the head of Village government for all ceremonial purposes and for purposes of military law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the Village official designated to represent the Village in all dealings with other governmental entities.

(B) Vice-Mayor. During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. Semi-annually at such times as established by ordinance of the Village, each member of the Commission shall serve for a period of six months as Vice-Mayor.

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Section 2.06. Compensation; reimbursement for expenses.

Members of the Commission shall receive annual compensation as set by ordinance by a four-fifths (4/5) majority vote. Members of the Commission shall receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized expenses incurred in the performance of their official duties.

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Section 3.01.

(A) Village Manager.

There shall be a Village Manager (the "Manager") who shall be the chief administrative officer of the Village. The Manager shall be responsible to the Commission for the administration of all Village affairs and for carrying out the policies of the Commission.

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(C) Duties of the Manager.

The Manager shall:

(1) Be responsible for the hiring, supervision and removal of all Village employees;

(2) Direct and supervise the administration of all departments and offices but not Village boards, agencies, committees or authorities, unless so directed by the Commission from time to time;

(3) Attend all Commission meetings and have the right to take part in discussion but not the right to vote;

(4) Ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;

(5) Prepare and submit to the Commission a proposed annual budget and capital program;

(6) Submit to the Commission and make available to the public an annual report on the finances and administrative activities of the Village as of the end of each fiscal year;

(7) Prepare such other reports as the Commission may require concerning the operations of Village agencies, boards, committees, authorities or departments;

(8) Keep the Commission fully advised as to the financial condition and future needs of the Village and make such recommendations to the Commission concerning the affairs of the Village as s/he deems to be in the best interests of the Village;

(9) Execute contracts, deeds and other documents on behalf of the Village as authorized by the Commission;

(10) Appoint a Clerk. The Manager cannot appoint himself/herself as Clerk. The Clerk shall give notice of Commission meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Manager may prescribe from time to time. The Clerk shall report to the Manager.

(11) Perform such other duties as are specified in this Charter or as may be required by the Commission.

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Section 4.02. Prohibitions.

(A) Appointments and removals. Neither the Commission nor any of its members shall interfere with the Manager's decision to appoint or remove any Village administrative officer or employee. However, the Commission may express its views and fully and freely discuss the appointment or removal of such officer or employee with the Manager.

(B) Interference with administration.

(1) It is the express intent of this Charter that individual Commissioners make any recommendations for improvement in Village operations to the Manager only. Individual Commissioners may discuss any matter of Village business with the Manager but are strictly prohibited from directing or otherwise ordering the Manager to take any particular action.

(2) Except for the purpose of inquiries and investigations made in good faith, the Commission and its members shall deal with Village officers and employees who are subordinate to the Manager solely through the Manager. Neither the Commission nor its members shall give orders directly to any such officer or employee, either publicly or privately.

(3) Any willful violation of this Section by any member of the Commission shall be grounds for removal from office by an action brought by the State Attorney of Miami-Dade County.

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Section 7.02. Conflicts of interest; ethical standards.

All Commissioners, officials and employees of the Village shall be subject to the standards of conduct for public officers, employees, and appointees set by Federal, State, County or other applicable law. The Commission may adopt additional standards of conduct and code of ethics requirements that are not inconsistent with Federal, State, County or other applicable law.

For discussion: Village Manager specific duties and tasks are outlined in detail in the Charter, but that level of detail is not specified for the Commission. How does the Commission fulfill its obligations to the Village?

Fiscal / Budget Impact

Discussion item with neutral immediate budgetary impact.

Recommendation

Discussion.